

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Robert Lee Moore,	)	C/A No. 5:14-cv-520-TMC-KDW
	)	
	)	
Plaintiff,	)	
	)	REPORT AND RECOMENDATION
v.	)	
	)	
	)	
Sgt. W. Church,	)	
	)	
Defendant.	)	
	)	

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Plaintiff, proceeding pro se and *in forma pauperis*, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. On September 2, 2014, Defendant filed a Motion for Summary Judgment. ECF No. 41. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of such motions and of the need for him to file adequate responses. ECF No. 42.<sup>1</sup> The Roseboro order was mailed to Plaintiff's last known address. On September 29, 2014, the court's Roseboro order was returned as undeliverable. Shortly after Plaintiff instituted this suit, the court ordered that he keep the Clerk of Court advised in writing of any address changes. ECF No. 9. That order was not returned as undeliverable, and Plaintiff responded to other portions of that order, indicating Plaintiff was aware of the order to keep the Clerk of Court apprised of his mailing address.

Notwithstanding the requirement to do so, Plaintiff has not provided the court with a current mailing address. Further, Plaintiff has filed no response to Defendant's Motion for

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<sup>1</sup> The Roseboro order specifically advises that if Plaintiff fails to respond adequately, Defendant's motion may be granted, thereby ending this case.

Summary Judgment. As such, it appears to the court that Plaintiff wishes to abandon this action. Based on the foregoing, the undersigned recommends this action be dismissed without prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

A handwritten signature in black ink, appearing to read "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent than the last name "West".

October 22, 2014  
Florence, South Carolina

Kaymani D. West  
United States Magistrate Judge

**The parties are directed to note the important information in the attached  
“Notice of Right to File Objections to Report and Recommendation.”**